

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office MAR 12 2001

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 19 1992 under 57193

The applicant **A & K EARTH MOVERS INC.**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **underground**.
2. The amount of water applied for is **0.09 cfs** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **commercial and domestic**.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **within the NE¼ NE¼ Sec. 21 T19N, R29E MDB&M from a point that bears N. 63° 26' 06" E. a distance of 707.17 feet to the NE corner of said Sec. 21.**
6. Place of Use **The NW¼ SW¼ & SW¼ SW¼ Sec. 15, the NW¼ NW¼ Sec. 22 and the NE¼ NE¼ Sec. 21, all in T19N, R29E MDB&M; total proposed place of use equals 160.0 acres, more or less.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **8" cased well, pump, pressure tank and distribution system.**
9. Estimated cost of works **\$10,000**
10. Estimated time required to construct works **works complete; expanded as water needs increase.**
11. Estimated time required to complete the application of water to beneficial use **5 years**

12. Remarks: This is a top filing on Permit 57193. At the current time, applicant is attempting to negotiate a water lease with the City of Fallon. Use map on file under Permit 57193.

Ross E. de Lipkau
By s/Ross E. de Lipkau
P. O. Box 2790
Reno, NV 89505-2790

Compared my/cmf dl/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

Any well drilled under this permit shall be drilled in what has been described in the United States Geological Survey Water Supply Paper 2263 as the intermediate alluvial aquifer. In no instance shall the seal on this well be less than 100 feet below ground level.

The total combined duty of water under Permits 19859, Certificate 5627; 19860, Certificate 5628; 26168, Certificate 8243; 40869, 55507 and 67318 shall not exceed 1,266.32 million gallons annually.

This permit is issued in accordance with the terms of the stipulation signed on November 22, 2002 by the District Court Judge of the Third Judicial District of the State of Nevada in the case of A & K Earth Movers Inc., Petitioner and Hugh Ricci, P. E., Nevada State Engineer, Respondent, Case No. 28273.

This permit will expire on November 17, 2004.

(CONTINUED ON PAGE 3)

N/A

N/A

November 17, 2004

November 17, 2004 (permit expires)

N/A

James H. P. L.
State Engineer

Certificate No. _____ Issued _____

EXPIRED
DATE NOV 17 2004 *de*

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Protested _____

DENIAL OF STATE ENGINEER

This application is hereby denied on the grounds that the granting of said application for commercial and domestic use as applied for would tend to impair the value of existing rights and threaten to prove detrimental to the public interest.

GRANTED THIRD JUDICIAL DISTRICT COURT 11/22/02

Work must be prosecuted with reasonable diligence and be completed on or before: _____

Proof of completion of work shall be filed before: _____

Application of water to beneficial use shall be filed on or before: _____

Proof of the application of water to beneficial use shall be filed on or before: _____

Map in support of proof of beneficial use shall be filed on or before: _____

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 3rd day of January, A.D. 2002


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____